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## REVIEWS.

*A Short History of Anglo-Saxon Freedom.* By JAMES K. HOSMER. New York, Charles Scribner's Sons, 1890. — 420 pp.

This book sets forth in somewhat pretentious form a theory of English and American history now very much in vogue. The theory is popular because it is democratic, not necessarily because it is based on facts. It gratifies the pride of the masses to be told that the current dogmas about popular sovereignty are primordial truths, to which we have returned after a deflection of the path of history from its *natural* course. This may be called the democratic philosophy of history. Among English writers it may be traced at least as far back as the seventeenth century. Its connection with the doctrine which then arose, of an original and approximately perfect natural state of human society, is obvious.

Like so many writers before him, Mr. Hosmer assumes that a folk-moot (later known as a parliament) is the only institution essential to the development of national freedom. He practically resolves the English constitution into a tax-granting assembly, which has developed out of certain local moots, and outlines the history of that body down to the present time. When he mentions the kingship, it is only to assign to it a temporary and subordinate influence, and that generally for evil. The idea of organic union or of co-operation between king and assembly scarcely appears. One would not gather from this book that the kings of the house of Wessex organized the Kingdom of England, that they formed most of the shires, that the Witenagemotes were composed for the most part of those whom they summoned. Scarcely an effort is made to describe the administrative system of the Norman monarchs, and to show how that contributed to the maintenance of English liberty. One would with difficulty infer from the text that the manorial system differed essentially from that of the village community; yet the manor was of royal and aristocratic origin, the lord deriving his authority from above. The language on page 45 would lead one to think that jury trial in its modern form became "a settled institution" in the reign of Henry II. Such, however, was far from the case. Into Magna Charta and the legislation of Edward I very much modern political philosophy is read. It is not true to say that the re-issue of the Charter in 1225 (the author has it 1218) established the prin-

ciple that a redress of grievances must precede a grant to the crown. On page 81 it is said that the same principle was "established" under the Lancastrians. It was in the re-issue of 1216, not of 1218, that the clause restricting the right of taxation was omitted. That of 1225 was introduced by the words "*Spontanea et bona voluntate nostra.*" Mr. Hosmer also says nothing about the saving clause which was introduced in the re-issue of 1217. These points are very important, for they with others render wholly untenable the statement which the author makes on page 61, that after 1297 there could "be no taxation without representation." One who seeks to state the facts of the case should not forget that the word tallage did not occur in the authentic version of the *Confirmatio Cartarum*, and that the kings continued to levy that form of tax without Parliamentary grant till 1340. It was not till the latter years of the fourteenth century that Parliament obtained the first recognition of its claim to grant indirect taxes. At the close of the middle age the Parliamentary control over finance was very imperfect, and it was not fully recognized till after the revolution of 1688.

If the author had consulted Stubbs with care, he would not have repeated (page 86) the statement of Freeman that the statute of 1429, restricting the county franchise, was "the most reactionary measure" ever passed by a Parliament. Gneist would have given him some additional light on the subject.

Did space permit, most serious exception could be taken to the view Mr. Hosmer presents of the policy of the Tudors. His statement (page 96) that "through the Reformation the crown had won a quite new and most independent position," is altogether too sweeping. The crown had merely perfected its ecclesiastical supremacy. During the entire middle age the kingship had been the centre of the constitution. It had created the House of Commons, as truly as it had the House of Lords.

In treating of the seventeenth century, why does Mr. Hosmer almost entirely omit reference to the religious question? The Puritans were not struggling so much for popular liberty, as they were for an opportunity to impose their religious and social ideals upon the English nation. Their religious views were the potent source of their ideas concerning government and constitutional reform.

On page 230 we have a repetition of the old idea, so flattering to Americans, that "popular freedom was probably saved to England" by the success of the American Revolution. That theory ignores the facts, (1) that George III was more popular after 1783 than before; (2) that after that date occurred some of his most notable interferences in public affairs; (3) that he was restrained solely by the firmness of Pitt, with whose accession to power American affairs had no direct connection; and

(4) that the industrial revolution, together with the development of the press and of the art of political agitation, quite changed the face of English society.

Without mentioning other specific statements to which exception might be taken — and there are many — it remains to be said that this book and all others like it ignore to a large extent the idea of historic perspective and development. Even though, for example, the New England town-meeting could be proved to be the lineal descendant of the Saxon tungemote, the spirit animating the members of the two, their social environment, their ideas and aims would still be wholly different. These are the essential things; the other is the mere shell. The New Englander of to-day differs from his ancestor in Schleswig by the experiences and training of fifteen centuries. When an author tells us that the American colonist returned to the primitive forms and traditions of his own race, he imparts no *information* concerning him. The democracy of a primitive, semi-nomadic people is quite a different thing from the democracy of the nineteenth century, and in the name of historical science it is time to protest against the confounding of the two.

Finally, it would be well for Mr. Hosmer to observe that some contributions toward the progress of human freedom have been made by peoples whose native tongue is not English, and a recognition of their services would be becoming, even if it were not appreciated.

H. L. OSGOOD.

*La République Américaine : États-Unis.* By AUGUSTE CARLIER.

Paris, Guillaumin & Cie, 1890. — 4 vols., 588, 619, 597, 652 pp.

This is a posthumous work. The author passed from earth some months before its appearance, and it was, in its last stages, conducted through the press by his friend Claudio Jannet, who has prefixed to the work a short biographical sketch of the author. What von Holst and Bryce have done for German and English readers of American public law and political science, M. Carlier has accomplished for French readers. This is certainly a moderate statement, since his work is the most comprehensive and exhaustive one in any language upon the public law and political institutions of the United States. M. Carlier has, indeed, neither the historical genius of von Holst nor the political genius of Bryce, but he possesses fair talents in both spheres.

His first volume is devoted to the history of the formation of the colonies, the War of Independence and the Confederation. He seems to have drawn his information in regard to these subjects chiefly from Bancroft, Hildreth and Palfrey. I must say, however, that I regard his view of the relationship of the colonies to the motherland and of the